



IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

SANDRA WEBB

PLAINTIFF

v.

CIVIL ACTION NO.: 3:17 cv 162 HSD-JCG

LOWE'S HOME CENTERS, LLC and
JOHN DOES 1-10

DEFENDANTS

COMPLAINT
(JURY TRIAL DEMANDED)

COMES NOW, Sandra Webb, a person of the full age of majority and at a time of the events in question, domiciled in Madison County, State of Mississippi, and files this her Complaint against Lowe's Home Centers, LLC., and John Does 1-10, and for causes of action would show unto the Court the following, to wit:

THE PARTIES

I.

1. Plaintiff, Sandra Webb, is an adult resident citizen of Madison County, Mississippi;
2. Lowe's Home Centers, LLC is a limited liability company organized under the laws of the State of North Carolina with a principal place of business in North Carolina, which at all times pertinent hereto owned and operated the Lowe's store in Madison, Madison County, Mississippi, that may be served with the process of this Court through its registered agent for service of process in the State of Mississippi, Corporate Service Company who may be

served with the process of this Court at its address of 5760 I-55 North, Suite 150, Jackson, Mississippi, 39211;

3. John Does 1-10 are certain unnamed employees or consultants of Lowe's Home Centers, LLC., who may have had a role in the facts and circumstances leading to the injury of Plaintiff and will be substituted by other name if/when identification is apparent to Plaintiff.

SUBJECT MATTER JURISDICTION

II.

This Court has diversity jurisdiction over this claim pursuant to Section 28 U.S.C Section 1332. The amount in controversy exceeds \$75,000.00, exclusive of interest and costs. Complete diversity of citizenship exists between the parties. The members of Lowe's Home Centers, LLC, are all citizens of a state other than the State of Mississippi.

GROUND SUPPORTING DEMAND FOR RELIEF

III.

The Plaintiff was shopping at the Lowe's retail store in Madison County, Mississippi, believed to have an address of 128 Grandview Boulevard, Madison, Mississippi, 39110, on April 8, 2016. Plaintiff was near a display upon which were being shown some outdoor plants. While her attention was on the viewing of the display of plants, an apparent employee of Lowe pushed a cart up beside her, unbeknownst to her; and as she countered to that which would have been her left, she stumbled over the cart, fell upon and over the cart, sustaining bodily injury.

IV.

The Defendant Lowe's Home Centers, LLC and John Does 1-10 had a duty to train its cart pushers in such a way as to not push carts up to the immediate side of a person that was shopping at the store such that the shopper could or would fall and suffer bodily injury, as did the Plaintiff.

V.

The Defendant had a duty and its employee had a duty to, in no event, conduct the operation of a cart in such a manner so as to place the Plaintiff in the situation in which she was placed, such that she could be injured, as did occur.

VI.

The store had a duty to exercise reasonable care for the safety of its shopper and business invitee, Sandra Webb, which it failed to exercise.

VII.

The injuries sustained and suffered by Sandra Webb were a direct and approximate result of the negligence of Lowe's Home Centers, LLC and John Does 1-10.

VIII.

She has incurred, and is reasonably expected to incur in the future, mental anguish, pain and suffering, scarring, medical bills and expenses, and future medical bills and expenses; and she has permanent and partial disability as a result of the injury.

WHEREFORE PREMISES CONSIDERED, Plaintiff prays:

- (1) That the Court will award her a money damage judgment against Lowe's Home Centers, LLC, and John Does 1-10, jointly and severally, in an amount

of \$250,000.00, or such other amount as a jury may set, Plaintiff respectfully
demanding trial by jury.

If Plaintiff has prayed for inadequate or insufficient relief, Plaintiff prays for general relief.

IN DUTY BOUND, your Petitioner ever prays.

Respectfully submitted,

SANDRA WEBB

By:



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